

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Daniel R. McClain,	)	C/A No. 0:15-4516-MBS
	)	
Plaintiff,	)	
	)	
v.	)	<b>O R D E R</b>
	)	
Mr. Lefford Fate, <i>Med. Director,</i>	)	
	)	
Defendant.	)	
	)	

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Plaintiff Daniel R. McClain, a self-represented state prisoner, filed a Complaint pursuant to 42 U.S.C. § 1983 alleging a violation of his constitutional rights. On December 11, 2015, the court issued an order allowing Plaintiff an opportunity to submit the service documents necessary to bring the case into proper form for evaluation and possible service of process as to Defendant Fate.<sup>1</sup> ECF No. 8. Plaintiff was warned that failure to provide the necessary information within a specific time period would subject the case to dismissal. However, Plaintiff failed to respond to the court's order or provide the service documents necessary to advance this case, and the time for response has lapsed. As Plaintiff has failed to prosecute this case and has failed to comply with an order of this court, the case is **dismissed *without prejudice*** pursuant to Rule 41 of the Federal Rules of Civil Procedure. See Link v. Wabash R.R. Co., 370 U.S. 626 (1962).

**IT IS SO ORDERED.**

February 9, 2016  
Columbia, South Carolina

/s/ Margaret B. Seymour  
Senior United States District Judge

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<sup>1</sup> All other defendants named in the Complaint were dismissed from this case without prejudice by an order issued on January 14, 2016. ECF No. 15.

**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.